

# SECRETARY OF STATE

[8 CCR 1505-6]

## RULES CONCERNING CAMPAIGN AND POLITICAL FINANCE

### Revised Draft of Proposed Rules

August 30, 2007

*This document shows and explains the substantive changes proposed for consideration at the Rulemaking Hearing on September 4, 2007.*

*This draft copy of the proposed rule amendments is made available to the public and posted on the Department of State's web site, in compliance with the requirement of section 24-4-103 (4) (a), C.R.S., that "Any proposed rule or revised proposed rule by an agency which is to be considered at the public hearing . . . shall be made available to any person at least five days prior to said hearing."*

*Proposed additions to the current rules are reflected in SMALL CAPS. Proposed deletions from current rules are shown in ~~stricken type~~. Changes to the draft posted on the Department of State's web site July 31, 2007 are underlined. Annotations may be included.*

1 Rule 1.4 would be amended as follows:

2 1.4 "Corporation", as used in Article XXVIII only, SHALL HAVE THE SAME MEANING AS SET  
3 FORTH IN SECTION 1-45-103(7), C.R.S. ~~means a domestic corporation incorporated under~~  
4 ~~and subject to the "Colorado Business Corporation Act", Articles 101 to 117 of Title 7,~~  
5 ~~C.R.S., a domestic nonprofit corporation incorporated under and subject to Articles 121~~  
6 ~~to 137 of Title 7, C.R.S., or any corporation incorporated under and subject to the laws of~~  
7 ~~another state or foreign country.~~

8 New Rule 1.5 would be adopted as follows:

9  
10 1.5 "ISSUE", AS USED IN ARTICLE XXVIII OF THE COLORADO CONSTITUTION AND ARTICLE 45  
11 OF TITLE 1, C.R.S., SHALL MEAN A "BALLOT ISSUE" OR "BALLOT QUESTION" AS SUCH  
12 TERMS ARE DEFINED IN SECTION 1-1-104(2.3) AND (2.7), C.R.S. FOR THE PURPOSES  
13 SECTION 2(10) OF ARTICLE XXVIII OF THE COLORADO CONSTITUTION, A MATTER SHALL  
14 BE CONSIDERED AN "ISSUE" AT THE EARLIEST OF THE FOLLOWING:  
15

- 1 A. IT HAS BEEN SUBMITTED FOR THE PURPOSE OF HAVING A TITLE DESIGNATED AND  
2 FIXED OR HAS HAD A TITLE DESIGNATED AND FIXED IN ACCORDANCE WITH STATE  
3 LAW;  
4
- 5 B. ~~UPON REFERRAL~~ IT HAS BEEN REFERRED TO THE VOTERS BY ~~THE APPLICABLE A~~  
6 GOVERNING BOARD; OR  
7
- 8 C. A PETITION HAS BEEN SUBMITTED TO THE APPROPRIATE ELECTION OFFICIAL IN  
9 ACCORDANCE WITH STATE LAW.

10 Succeeding subsections of Rule 1 would be renumbered accordingly

11

12 Rule 2.2 would be amended as follows:

- 13 2.2 A candidate may serve as the candidate committee's registered agent or appoint someone  
14 to be the registered agent. The candidate and the registered agent shall sign the candidate  
15 committee registration form, and only the registered agent or the candidate may sign the  
16 contribution and expenditure report. THE REGISTERED AGENT FOR ANY ISSUE COMMITTEE,  
17 POLITICAL COMMITTEE, SMALL DONOR COMMITTEE, OR POLITICAL PARTY SHALL SIGN THE  
18 COMMITTEE'S REGISTRATION FORM AND ALL DISCLOSURE REPORTS. [1-45-108(3)(b)]
- 19

20 Rule 2.5 would be amended as follows:

- 21 2.5 An issue committee may support or oppose more than one issue without having to open  
22 numerous campaign accounts and file numerous committee registration forms if the  
23 following conditions are met: the specific issues are included on the committee  
24 registration form AT SUCH TIME AS AN ISSUE MEETS THE PROVISIONS OF RULE 1.5; no  
25 generic phraseology ~~is~~ MAY BE USED ONCE SUCH AN ISSUE IS KNOWN (i.e.: Support or  
26 oppose issues affecting the basic rights of cattle); and the registration form states whether  
27 the committee will be supporting or opposing said issues. [Article XXVIII, Section  
28 2(10)(a)(I) and (2)(10)(a)(II)]
- 29

30 Rule 2.8 would be amended as follows:

- 31 2.8 A political committee that is subject to reporting pursuant to both section 1-45-108,  
32 C.R.S., and the "Federal Election Commission Act of 1971" may file with the appropriate  
33 officer a copy of the registration filed with the federal election commission and, insofar  
34 as such registration contains substantially the same information required by subsection  
35 (3) of ~~C.R.S. SECTION~~ 1-45-108, C.R.S., the political committee shall be considered to  
36 have registered with the appropriate officer for purposes of subsection (3) of ~~C.R.S.~~  
37 SECTION 1-45-103 1-45-108, C.R.S.. The political committee shall not be required to file  
38 disclosure reports if copies of the reports required to be filed with the Federal Election

Commission pursuant to the “Federal Election Commission Act of 1971”, as amended, are filed with the appropriate officer or are electronically available in the office of the appropriate officer and if such reports include the information required by C.R.S. SECTION 1-45-108, C.R.S.

Rule 2.10 would be amended as follows:

2.10 In accordance with the procedures set out in the “State Administrative Procedures Act” (~~Article 1 or~~ ARTICLE 4 OF Title 24, Colorado Revised Statutes), the secretary of state may close an inactive committee after two years of non-reporting. A COMMITTEE SHALL BE DEEMED INACTIVE FOR THE PURPOSE OF THIS RULE AFTER SUCH COMMITTEE HAS FAILED TO FILE ANY REPORTS WITH THE APPROPRIATE FILING OFFICER FOR TWO CONSECUTIVE YEARS. [Article XXVIII, Section 2(3), and 24-4-105]

2.10.1 A COUNTY CLERK AND RECORDER OR MUNICIPAL CLERK DESIGNATED AS A COMMITTEE’S APPROPRIATE FILING OFFICER PURSUANT TO SECTION 1-45-109, C.R.S., MAY REQUEST THE SECRETARY OF STATE TO CLOSE A COMMITTEE PURSUANT TO THIS RULE. SUCH REQUEST SHALL BE SUBMITTED IN WRITING AND CONTAIN A STATEMENT FROM THE COUNTY CLERK AND RECORDER OR MUNICIPAL CLERK THAT NO DISCLOSURE REPORTS HAVE BEEN RECEIVED FOR AT LEAST TWO YEARS EITHER MANUALLY OR ELECTRONICALLY FROM SUCH COMMITTEE, AND ANY OTHER INFORMATION THAT IS RELEVANT.

New Rule 2.11 would be adopted as follows:

2.11 THE “APPROPRIATE FILING OFFICER” FOR A POLITICAL COMMITTEE WHOSE PURPOSE IS TO SUPPORT SCHOOL BOARD CANDIDATES OR AN ISSUE COMMITTEE WHOSE PURPOSE IS TO SUPPORT OR OPPOSE A BALLOT ISSUE, QUESTION, OR MEASURE FOR A SCHOOL DISTRICT NOT WHOLLY CONTAINED WITHIN A SINGLE COUNTY SHALL BE THE COUNTY CLERK AND RECORDER OF THE COUNTY WHERE THE SCHOOL DISTRICT ADMINISTRATIVE OFFICES ARE LOCATED.

New Rule 3.10 would be adopted as follows:

3.10 DISPOSITION OF DEBT IN ANTICIPATION OF COMMITTEE TERMINATION

A. NOTWITHSTANDING ANY NEGATIVE BALANCE FOR A PRIOR ELECTION CYCLE, ALL CONTRIBUTIONS RECEIVED BY A CANDIDATE COMMITTEE IN THE CURRENT ELECTION CYCLE SHALL BE SUBJECT TO THE LIMITS ON CONTRIBUTIONS SET FORTH IN SECTION 3 OF ARTICLE XXVIII OF THE COLORADO CONSTITUTION AND SHALL BE REPORTED ACCORDINGLY.

1 B. ANY FINANCIAL OBLIGATIONS INCURRED BY A CANDIDATE COMMITTEE IN AN  
2 ELECTION CYCLE THAT ARE NOT PAID WITHIN A COMMERCIALLY REASONABLE  
3 PERIOD OF TIME, NOT TO EXCEED SIX (6) MONTHS AFTER THE CLOSE OF THAT  
4 ELECTION CYCLE, SHALL BE TREATED AS "CONTRIBUTIONS" FROM THE SERVICE  
5 PROVIDER OR VENDOR EXTENDING CREDIT.

6 C. IN ACCORDANCE WITH ARTICLE XXVIII, SECTION 10(1) OF THE COLORADO  
7 CONSTITUTION, WHERE THE TREATMENT OF SUCH FINANCIAL OBLIGATIONS AS  
8 "CONTRIBUTIONS" RESULTS IN A VIOLATION OF ~~THE LIMITS~~ ANY LIMIT ON  
9 CONTRIBUTIONS, A CANDIDATE SHALL BE PERSONALLY LIABLE FOR ANY PENALTIES  
10 IMPOSED UPON THE COMMITTEE.

11 D. ANY SERVICE PROVIDER OR VENDOR EXTENDING CREDIT WHO HAS MADE A  
12 COMMERCIALLY REASONABLE ATTEMPT TO COLLECT SUCH DEBT SHALL NOT BE  
13 CONSIDERED TO HAVE MADE A "CONTRIBUTION." AN ATTEMPT TO COLLECT SUCH  
14 DEBT SHALL BE CONSIDERED COMMERCIALLY REASONABLE IF THE SERVICE  
15 PROVIDER OR VENDOR HAS PURSUED ITS REMEDIES AS VIGOROUSLY AS IT WOULD  
16 PURSUE ITS REMEDIES AGAINST A NONPOLITICAL DEBTOR IN SIMILAR  
17 CIRCUMSTANCES.

18  
19 Rule 4.7 would be repealed as follows:

20 ~~4.7 Pursuant to the decision of the United States Supreme Court in the case of Buckley v.~~  
21 ~~American Constitutional Law Foundation, Inc., 520 U.S. 182, 119 S.Ct., 636 (1999), an~~  
22 ~~issue committee that makes an expenditure of \$20 or more in payment to a petition~~  
23 ~~circulator is not required to disclose the name of the paid circulator. Instead, it is~~  
24 ~~sufficient to list "payment to petition circulator" and the date and amount of the payment.~~  
25 ~~[1-40-121(1)]~~

26 Succeeding subsections of Rule 4 would be renumbered accordingly

27  
28 Rule 4.10 would be amended as follows:

29  
30 4.10 DISCLOSURE OF OCCUPATION AND EMPLOYER

31  
32 4.10.1 THE REQUIREMENT TO DISCLOSE THE OCCUPATION AND EMPLOYER OF A  
33 CONTRIBUTOR IN ARTICLE XXVIII, SECTION 7 OF THE COLORADO CONSTITUTION  
34 AND SECTION 1-45-108, C.R.S., APPLIES TO ANY ONE-TIME CONTRIBUTION OF \$100  
35 OR MORE, AND NOT TO AGGREGATE CONTRIBUTIONS ~~OF TOTALING~~ \$100 OR MORE.

36  
37 4.10.2 If occupation and employer information as required by Article XXVIII, Section 7  
38 is not provided, and the committee is unable to gather the information within 30  
39 days after receipt of the contribution, the contribution shall be returned to the  
40 contributor no later than the 31st day after receipt.

1  
2 New Rule 4.18 would be adopted as follows:  
3

4 4.18 IN ACCORDANCE WITH ARTICLE XXVIII, SECTION 3(9) OF THE COLORADO CONSTITUTION,  
5 THE REQUIREMENT THAT COMMITTEE FUNDS BE DEPOSITED INTO "A FINANCIAL  
6 INSTITUTION" SHALL NOT MEAN THAT ALL COMMITTEE FUNDS MUST BE DEPOSITED INTO  
7 ONE SINGLE BANK, CREDIT UNION, OR OTHER COMMERCIAL FINANCIAL INSTITUTION.  
8

9 New Rule 4.19 would be adopted as follows:

10 4.19 INVESTMENT OF FUNDS

11 4.19.1 A CANDIDATE COMMITTEE, ISSUE COMMITTEE, POLITICAL COMMITTEE, SMALL  
12 DONOR COMMITTEE, OR POLITICAL PARTY MAY INVEST THE COMMITTEE'S FUNDS IN  
13 ANY TYPE OF ACCOUNT OR INSTRUMENT OF A GOVERNMENT REGULATED FINANCIAL  
14 INSTITUTION.

15 4.19.2 ANY CHANGE IN THE BALANCE OF FUNDS RESULTING SOLELY FROM THE ACCRUAL  
16 OF INTEREST OR DIVIDENDS TO THE ACCOUNT AND/OR THE AUTOMATIC DEDUCTION  
17 OF PERIODIC SERVICE FEES IS NOT A CONTRIBUTION OR AN EXPENDITURE AND SHALL  
18 NOT BE SUBJECT TO CONTRIBUTION LIMITS, BUT SHALL BE DISCLOSED AS  
19 MISCELLANEOUS INCOME OR EXPENSE ON ANY DISCLOSURE REPORT FOR WHICH THE  
20 INTEREST, DIVIDEND, OR SERVICE FEE WAS RECEIVED OR CHARGED.  
21

22 New Rule 4.20 would be adopted as follows:

23 4.20 POLITICAL ORGANIZATIONS. IN THE CASE OF POLITICAL ORGANIZATIONS AS DEFINED IN  
24 SECTION 1-45-103(14.5), C.R.S.:  
25

26 4.20.1 THE POLITICAL ORGANIZATION SHALL REPORT ANY CONTRIBUTIONS ACCEPTED AND  
27 FUNDS EXPENDED FOR THE PURPOSE OF "INFLUENCING OR ATTEMPTING TO  
28 INFLUENCE THE SELECTION, NOMINATION, ELECTION, OR APPOINTMENT OF ANY  
29 INDIVIDUAL TO ANY STATE OR LOCAL PUBLIC OFFICE."  
30

31 4.20.2 POLITICAL ORGANIZATIONS SHALL FILE ACCORDING TO THE FILING SCHEDULES SET  
32 FORTH IN SECTION 1-45-108(2), C.R.S.  
33

34 A. FOR THE PURPOSES OF THIS RULE, "OFF-ELECTION YEAR" FOR A POLITICAL  
35 ORGANIZATION SHALL MEAN EVERY ODD NUMBERED YEAR.  
36

37 B. FOR THE PURPOSES OF THIS RULE, "MAJOR ELECTION" SHALL MEAN AN  
38 ELECTION HELD IN NOVEMBER OF AN EVEN NUMBERED YEAR.  
39

1 4.20.3 POLITICAL ORGANIZATIONS SHALL NOT BE REQUIRED TO FILE DISCLOSURE REPORTS  
2 FOR PERIODS WHEN NO CONTRIBUTIONS WERE RECEIVED AND SPENDING WAS LESS  
3 THAN TWENTY DOLLARS (\$20).  
4

5 4.20.4 POLITICAL ORGANIZATIONS SHALL FILE ALL APPLICABLE DISCLOSURE REPORTS  
6 REQUIRED BY SECTION 1-45-103(14.5), C.R.S., WITH THE APPROPRIATE FILING  
7 OFFICER. FOR THE PURPOSES OF THIS RULE, THE APPROPRIATE FILING OFFICER  
8 SHALL BE THE SAME FOR POLITICAL ORGANIZATIONS AS FOR POLITICAL  
9 COMMITTEES AS OUTLINED IN SECTION 1-45-109, C.R.S.  
10 [1-45-108.5]  
11

12 New Rule 4.21 would be adopted as follows:

13  
14 4.21 DISCLOSURE OF CONTRIBUTIONS BY LIMITED LIABILITY COMPANIES (LLCs). [1-45-  
15 103.7(5), (6), (7), AND (8)]  
16

17 4.21.1 THE WRITTEN AFFIRMATION PROVIDED BY AN LLC IN ACCORDANCE WITH SECTION  
18 1-45-103.7, C.R.S., SHALL INCLUDE THE NAMES AND ADDRESSES OF THE LLC'S  
19 MEMBERS AND DESCRIBE HOW THE CONTRIBUTION IS TO BE ATTRIBUTED TO THE  
20 LLC'S MEMBERS.  
21

22 4.21.2 THE AFFIRMATION SHALL INCLUDE THE OCCUPATION AND EMPLOYER OF THE  
23 MEMBER TO WHOM A CONTRIBUTION OF ONE HUNDRED DOLLARS (\$100) OR MORE IS  
24 ATTRIBUTED.  
25

26 4.21.3 A COMMITTEE WHO RECEIVES A PERMISSIBLE CONTRIBUTION FROM AN LLC THAT IS  
27 ATTRIBUTED TO ONE OR MORE OF THE LLC'S MEMBERS SHALL REPORT THE  
28 CONTRIBUTOR AS THE MEMBER OR MEMBERS TO WHOM THE CONTRIBUTION WAS  
29 ATTRIBUTED. THE CONTRIBUTOR SHALL NOT BE REPORTED AS THE LLC IF THE  
30 CONTRIBUTION IS ATTRIBUTED TO ONE OR MORE OF THE LLC'S MEMBERS.  
31

32 4.21.34 ANY CONTRIBUTIONS RECEIVED BY A COMMITTEE FROM AN LLC THAT DOES  
33 NOT COMPLY WITH THE AFFIRMATION REQUIREMENTS SET FORTH IN SECTION 1-45-  
34 103.7, C.R.S., AND THIS RULE 4.21 SHALL BE RETURNED TO THE CONTRIBUTOR  
35 WITHIN THIRTY (30) DAYS.  
36

37 New Rule 4.22 would be adopted as follows:

38 4.22 IN ACCORDANCE WITH ARTICLE XXVIII, SECTIONS 1(8), (9), AND 3(4)(A) OF THE  
39 COLORADO CONSTITUTION, CORPORATIONS OR LABOR ORGANIZATIONS SHALL NOT MAKE  
40 INDEPENDENT EXPENDITURES.  
41

1 New Rule 4.23 would be adopted as follows:

2  
3 4.23 REDACTION OF PERSONAL SENSITIVE INFORMATION FROM DISCLOSURE REPORTS  
4

5 4.23.1 ANY PERSON WHO BELIEVES THEIR SAFETY OR THE SAFETY OF AN IMMEDIATE  
6 FAMILY MEMBER MAY BE IN JEOPARDY AS A RESULT OF INFORMATION DISCLOSED  
7 ON ANY CAMPAIGN FINANCE REPORT FILED WITH THE SECRETARY OF STATE  
8 PURSUANT TO TITLE 1, ARTICLE 45, C.R.S., MAY APPLY TO THE SECRETARY OF  
9 STATE TO REDACT SENSITIVE PERSONAL INFORMATION FROM SUCH REPORT(S) AS  
10 PUBLISHED ONLINE. THE SECRETARY OF STATE, UPON A SHOWING OF GOOD CAUSE,  
11 MAY REDACT THE MINIMUM AMOUNT OF SENSITIVE INFORMATION NECESSARY TO  
12 PROTECT THE SAFETY OF SUCH PERSON OR HIS OR HER IMMEDIATE FAMILY. IF THE  
13 SECRETARY OF STATE REDACTS SENSITIVE INFORMATION DISCLOSED ON A  
14 CAMPAIGN FINANCE REPORT, THE ORIGINAL UNREDACTED REPORT SHALL REMAIN A  
15 PUBLIC RECORD PURSUANT TO TITLE 24, ARTICLE 72, C.R.S.  
16

17 4.23.2 APPLICATIONS FOR REDACTION OF SENSITIVE INFORMATION SHALL BE SUBMITTED  
18 IN WRITING AND SHALL INCLUDE THE REQUESTOR'S NAME, THE IDENTIFIED  
19 ENTRY(S) OF CONCERN, A JUSTIFICATION FOR THE APPLICATION, AND THE  
20 COMMITTEE TO WHOM THE CONTRIBUTION(S) WAS MADE OR EXPENDITURE(S)  
21 RECEIVED.  
22

23 Rule 5.6 would be amended as follows:

24 5.6 Reports filed electronically.

25 ~~a. Reports filed electronically are due two days after the due date for reports filed~~  
26 ~~manually, after taking into account any extension of the due date of a manually~~  
27 ~~filed report because the filing deadline falls on a Saturday, Sunday, or legal~~  
28 ~~holiday. If the filing deadline for a report filed electronically falls on a Saturday,~~  
29 ~~Sunday, or legal holiday, the deadline is not extended to the next business day.~~  
30 ~~Reports filed electronically before midnight shall be considered filed on that day.~~  
31 ~~This paragraph a. is repealed effective January 1, 2007.~~

32 ~~bA. On and after January 1, 2007, reports~~ REPORTS ~~filed electronically are due on the~~  
33 ~~same date as manually filed reports and are due no later than close of business~~  
34 ~~pursuant to C.R.S. SECTION 1-45-109(2), C.R.S. CLOSE OF BUSINESS FOR THE~~  
35 ~~PURPOSE OF ELECTRONIC FILING SHALL MEAN 11:59 P.M.~~

36 ~~eB.~~ If the electronic filing system is unavailable for filing for a total of more than one  
37 hour after 4:00 p.m. on the due date for filing a report, the secretary of state may  
38 extend the due date for an additional day for electronically filed reports. [1-45-  
39 108(2.3), 1-45-109(6)]

Rule 5.10 would be amended as follows:

5.10 For purposes of section 1-45-108(2)(d), which exempts a candidate committee for a former officeholder or person not elected to office from reporting if there is no change in the balance of funds maintained by such committee and if certain other conditions are met, a change in the balance of funds resulting solely from the accrual of interest or dividends to the account and/or the automatic deduction of periodic service fees does not subject such candidate committee to the reporting requirements of section 1-45-108, C.R.S., except that such candidate committee shall file an annual report for each calendar year. State candidate committees shall file such report not later than January 15th of the following year, and county AND MUNICIPAL candidate committees shall file such report in accordance with section ~~1-45-108(2)(A)(i)~~ 1-45-108(2)(A)(II), C.R.S. Candidate committees that choose this option must notify, in writing, the appropriate filing officer of their intent. [1-45-108(2)(c) and (2)(d)]

Rule 5.11 would be repealed as follows:

~~5.11 If a required report is not filed by 11:59 PM on the due date for electronic filing, then the daily penalty imposed pursuant to Article XXVIII, Section 10(2)(a) shall begin on the day following the due date for reports filed manually. This rule is repealed effective January 1, 2007.~~

Succeeding subsections of Rule 5 would be renumbered accordingly

New Rule 5.12 would be adopted as follows:

5.12 ONCE A COMMITTEE HAS DECLARED ~~THEIR~~ ITS COMMITTEE STATUS AS ACTIVE OR INACTIVE IN A PARTICULAR YEAR, THE COMMITTEE SHALL FOLLOW THE APPROPRIATE FILING SCHEDULE FOR THE REMAINDER OF THAT CALENDAR YEAR, EXCEPT THAT AN INACTIVE COMMITTEE MAY CHANGE ITS STATUS TO ACTIVE AT ANY TIME.

New Rule 6.4 would be adopted as follows:

6.4 POLITICAL ORGANIZATIONS.

6.4.1 IF ANY PERSON BELIEVES THAT A POLITICAL ORGANIZATION HAS VIOLATED THE PROVISIONS OF SECTION 1-45-108.5, C.R.S., ~~THEY~~ THE PERSON MAY FILE A WRITTEN COMPLAINT WITH THE SECRETARY OF STATE.



- 1 A. THE COMPLAINT SHALL INCLUDE THE INFORMATION REQUIRED BY, AND  
2 SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 6.3.  
3  
4 B. IF THE COMPLAINT IS COMPLETE, THE SECRETARY OF STATE SHALL  
5 PROMPTLY TRANSMIT THE COMPLAINT TO THE DIVISION OF  
6 ADMINISTRATIVE HEARINGS IN THE DEPARTMENT OF PERSONNEL AND  
7 ADMINISTRATION FOR CONSIDERATION BY AN ADMINISTRATIVE LAW JUDGE  
8 IN ACCORDANCE WITH RULE 6.3.  
9  
10 C. A POLITICAL ORGANIZATION THAT HAS VIOLATED SECTION 1-45-108.5,  
11 C.R.S. SHALL NOT BE SUBJECT TO FINES, BUT SHALL BE ORDERED TO  
12 COMPLY WITH THE REQUIREMENTS OF SECTION 1-45-108.5, C.R.S.

13  
14 Rule 8.1 would be amended as follows:

- 15 8.1 The special district designated election official or, as applicable, the presiding officer or  
16 the secretary of the board of directors, under section 32-1-804.3(5), C.R.S., shall provide  
17 to the county clerk and recorder of the county in which the district court having  
18 jurisdiction over the special district pursuant to section 32-1-303, C.R.S., is located,  
19 ~~either a list of the board of director candidates, or the self-nomination and acceptance~~  
20 ~~forms and letters, and affidavits of intent to be a write-in candidate, within ten days of~~  
21 ~~their filing with the designated election official, presiding officer, or secretary as~~  
22 ~~applicable~~ NO LATER THAN THE DATE ESTABLISHED FOR CERTIFICATION OF THE SPECIAL  
23 DISTRICT'S BALLOT PURSUANT TO SECTION 1-5-203(3)(A), C.R.S.

24  
25  
26 New Rule 8.4 would be adopted as follows:

- 27 8.4 IF THE SPECIAL DISTRICT CANDIDATE AFFIDAVIT, THE FILED SELF-NOMINATION AND  
28 ACCEPTANCE FORM OR LETTER, OR THE AFFIDAVIT OF INTENT TO BE A WRITE-IN CANDIDATE  
29 CONTAINS A STATEMENT SUBSTANTIALLY STATING, "I SHALL NOT, IN MY CAMPAIGN FOR  
30 THIS OFFICE, RECEIVE CONTRIBUTIONS OR MAKE EXPENDITURES EXCEEDING TWENTY  
31 DOLLARS (\$20) IN THE AGGREGATE, HOWEVER, IF I DO SO, I SHALL THEREAFTER FILE ALL  
32 DISCLOSURE REPORTS REQUIRED UNDER THE FAIR CAMPAIGN PRACTICES ACT," THEN NO  
33 FILING OF DISCLOSURE REPORTS IS REQUIRED UNLESS AND UNTIL THE TWENTY DOLLAR  
34 (\$20) THRESHOLD HAS BEEN MET. [ARTICLE XXVIII, SECTION 2(2) AND 1-45-108(1)]

35  
36 New Rule 9.5 would be adopted as follows:

- 37 9.5 PURSUANT TO THE DECISION OF THE UNITED STATES SUPREME COURT IN THE CASE OF FEC  
38 V. WISCONSIN RIGHT TO LIFE, 127 S. CT. 2652 (2007), A COMMUNICATION SHALL BE

1 DEEMED AN ELECTIONEERING COMMUNICATION ONLY IF IT IS SUSCEPTIBLE TO NO  
2 REASONABLE INTERPRETATION OTHER THAN AS AN APPEAL TO VOTE FOR OR AGAINST A  
3 SPECIFIC CANDIDATE. IN MAKING THIS DETERMINATION, (1) THERE CAN BE NO FREE-  
4 RANGING INTENT-AND-EFFECT TEST; (2) THERE GENERALLY SHOULD BE NO DISCOVERY OR  
5 INQUIRY INTO CONTEXTUAL FACTORS; (3) DISCUSSION OF ISSUES CANNOT BE BANNED  
6 MERELY BECAUSE THE ISSUES MIGHT BE RELEVANT TO AN ELECTION; (4) IN A DEBATABLE  
7 CASE, THE TIE IS RESOLVED IN FAVOR OF NOT DEEMING A MATTER TO BE AN  
8 ELECTIONEERING COMMUNICATION.

9  
10 Rule 11.1 would be amended as follows:

11 11.1 Effective October 1, 2007, all disclosure reports filed with the secretary of state pursuant  
12 to Article XXVIII of the Colorado Constitution and Article 45 of ~~File-TITLE~~ 1 of the  
13 Colorado Revised Statutes shall be filed electronically. Reports required to be filed  
14 electronically with the secretary of state under this rule that are presented for manual  
15 filing shall not be accepted.

16 A. THIS RULE SHALL NOT APPLY TO PERSONAL FINANCIAL DISCLOSURE REPORTS  
17 REQUIRED BY SECTION 1-45-110, C.R.S.,

18  
19 Rule 11.3 would be amended as follows:

20 11.3 For the purposes of this rule 11, “electronic filing” is defined as the filing of reports  
21 required by Article XXVIII of the Colorado Constitution and Article 45 of ~~File-TITLE~~ 1  
22 of the Colorado Revised Statutes utilizing the internet system created by the secretary of  
23 state pursuant to section 1-45-109(6), C.R.S.

24  
25 Rule 11.4 would be amended as follows:

26 11.4 For the purposes of this rule 11, “entry” is defined as any contribution, expenditure,  
27 returned contribution, ~~or~~ RETURNED expenditure, loan, or loan repayment, OR SPENDING IN  
28 CONNECTION WITH A POLITICAL ORGANIZATION.